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4 GREGORY SCOTT VANHUISSEN,
5 Plaintiff,
6 v.
7
8 WARNER BROS., et al.,
9 Defendants.

10 Case No. 24-cv-05788-PCP
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13 **ORDER OF DISMISSAL**

14 Gregory Van Huisen, an inmate at the Mule Creek State Prison, filed this *pro se* civil rights
15 action under 42 U.S.C. § 1983.¹ He sues Warner Brothers, Time Warner, and Leonardo DiCaprio.
16 The Complaint is now before the Court for review under 28 U.S.C. § 1915A. Mr. Van Huisen's
17 Complaint is dismissed with prejudice because it does not state a claim for relief.

18 **I. Background**

19 Mr. Van Huisen accuses defendants of "browbeating and splashing" him in violation of the
20 Eighth Amendment, *id.* at 3; engaging in "negligence" and "theft by deception" related to "harvest
21 time" and "dry rot," *id.* at 7; and some undefined claim related to "precedence," *id.* at 9. He seeks
22 \$27 million dollars for "actions that caused reckless and callous indifference to my rights
motivated by evil intent civil disobedience and inchoate crime. Entrapment." *Id.* at 3.

23 **II. Legal Standard**

24 Federal courts must screen any case in which a prisoner seeks redress from a governmental
25 entity or officer or employee of a governmental entity. *See* 28 U.S.C. § 1915A(a). The court must
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28 ¹ The caption incorrectly identifies the plaintiff as "Gregory VanHuissen." The plaintiff identifies
himself as "Gregory Van Huisen" throughout the Complaint. *See generally* Compl. The Court
shall use this spelling, and the Clerk shall correct the caption.

1 identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim
2 upon which relief may be granted, or seek monetary relief from a defendant immune from such
3 relief. 28 U.S.C. § 1915A(b)(1), (2). *Pro se* pleadings must be liberally construed. *See Balistreri v.*
4 *Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

5 **III. Analysis**

6 The first defect in Mr. Van Huisen's Complaint is that he does not identify a proper
7 defendant. 42 U.S.C. § 1983 "provides a cause of action for the 'deprivation of any rights,
8 privileges, or immunities secured by the Constitution and laws' of the United States.'" *Wilder v.*
9 *Virginia Hosp. Ass'n*, 496 U.S. 498, 508 (1990) (quoting 42 U.S.C. § 1983). Section 1983 is not
10 itself a source of substantive rights, but merely provides a method for vindicating federal rights
11 elsewhere conferred. *See Graham v. Connor*, 490 U.S. 386, 393–94 (1989). To state a claim under
12 § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution
13 or laws of the United States was violated and (2) that the alleged violation was committed by a
14 person acting under the color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988); *Ketchum v.*
15 *Alameda County*, 811 F.2d 1243, 1245 (9th Cir. 1987). Here, Mr. Van Huisen makes no claim and
16 introduces no facts to suggest his targeted defendants acted under color of state law, and so cannot
17 proceed on a § 1983 claim. *See generally* Compl.

18 More generally, Mr. Van Huisen does not state any claim for relief. Although he mentions
19 treason, trespass, conspiracy, elections, property, and defamation, Mr. Van Huisen does not
20 identify any injury that has been done to him, nor does he provide any facts to support any of his
21 allegations. *See generally id.* Rather, Mr. Van Huisen fills ten pages with difficult-to-decipher
22 statements and quotations from religious sources, films, and some unknown text that appears to be
23 related to Christopher Columbus's ships. *See id.* The Complaint does not inform the Court who
24 injured Mr. Van Huisen, how he was injured, where and when he was injured, and why he
25 believes this injury was unlawful. Accordingly, Mr. Van Huisen has failed to state a claim.

26 In the year prior to the instant Complaint, in this District alone, Mr. Van Huisen filed nine
27 civil rights lawsuits with similarly difficult to understand and often impossible allegations, against
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1 improper defendants.² When given an opportunity and detailed instructions on how to amend, Mr.
2 Van Huisen has failed to correct these defects. *See, e.g., Van Huisen v. Lafrades*, Case No. 23-cv-
3 4800-PCP. Although district courts generally afford prisoner litigants the opportunity to amend
4 their complaint, a district court may deny leave to amend if it finds any of: "(1) bad faith, (2)
5 undue delay, (3) prejudice to the opposing party, (4) futility of amendment; [or] (5) [the] plaintiff
6 has previously amended his complaint." *Allen v. City of Beverly Hills*, 911 F.2d 367, 373 (9th Cir.
7 1990). Here, because Mr. Van Huisen sues defendants who are clearly not state actors, and in light
8 of his history of filing frivolous actions, the Court concludes that leave to amend would be futile
9 and should not be granted. *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994) (leave
10 to amend need not be given where amendment would be futile).³

11 **IV. Conclusion**

12 This action is dismissed for failure to state a claim upon which relief may be granted.
13 Because amendment would be futile, dismissal is without leave to amend.

14 The Court certifies that any appeal of this order is not taken in good faith.

15 The Clerk shall terminate all pending motions and close the file.

17 **IT IS SO ORDERED.**

18 Dated: March 26, 2025



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21 P. CASEY PITTS
22 United States District Judge
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24 ² See *Van Huisen v. Goss*, Case No. 23-cv-4210-PCP; *Van Huisen v. Gates*, Case No. 23-4447-
25 PCP; *Van Huisen v. Central Intelligence Agency*, Case No. 23-4591-PCP; *Van Huisen v. United
26 States Air Force*, Case No. 23-cv-4753-PCP; *Van Huisen v. Lafrades*, Case No. 23-cv-4800-PCP;
Van Huisen v. Volkswagen Motors, Case No. 23-cv-4866-PCP; *Van Huisen v. Burns*, Case No. 23-
cv-4914-PCP; *Van Huisen v. DiCaprio*, Case No. 23-cv-5081-PCP; *Van Huisen v. Chief of Staff
Navy*, Case No. 24-cv-7015-PCP.

27 ³ For Mr. Van Huisen's benefit, the Court notes that its dismissal means he cannot proceed on
28 these claims and facts. If Mr. Van Huisen re-files the same claims in a new action, on the same
facts, that action also will be dismissed for failure to state a claim. Every dismissal for failure to
state a claim is a "strike" under the Prison Litigation Reform Act.